

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TRUSTEES OF THE PLUMBERS AND  
PIPEFITTERS NATIONAL PENSION  
FUND, TRUSTEES OF THE LOCAL UNION  
598 SUPPLEMENTAL PENSION PLAN,  
TRUSTEES OF THE WASHINGTON STATE  
PLUMBING AND PIPEFITTING INDUSTRY  
PENSION PLAN, TRUSTEES OF THE  
LOCAL UNION 598 PLUMBING &  
PIPEFITTING INDUSTRY HEALTH &  
WELFARE FUND, TRUSTEES OF THE  
EASTERN WASHINGTON-NORTHWEST  
OREGON AREA PLUMBERS,  
STEAMFITTERS AND REFRIGERATION  
FITTERS APPRENTICESHIP TRUST, and  
TRUSTEES OF THE LABOR-MANAGEMENT  
COOPERATION TRUST,

Plaintiffs,

v.

GARLAND TIMOTHY BARCOM,

Defendant.

NO. CV-09-5099-EFS

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR DEFAULT JUDGMENT**

On August 31, 2011, the Clerk's Office entered an Order of Default as to Defendant Garland Timothy Barcom d/b/a Century Plumbing Company, because he failed to appear to defend Plaintiffs' claims. ECF No. [28](#). Thereafter, on November 18, 2011, Plaintiffs filed a Motion for Default Judgment, ECF No. [30](#), seeking entry of judgment in their favor for Defendant's failure to pay fringe benefit contributions to the National

1 Pension Fund, Supplemental Pension Fund, State Pension Fund, Health Fund,  
2 Training Fund, and Cooperation Fund in violation of the Building Trades  
3 Agreement and related Trust Agreements. ECF No. [2](#).

4 After reviewing the submitted declarations, ECF Nos. [31](#), [32](#), [33](#), &  
5 [34](#), the Court finds that Defendant failed to pay his owed fringe benefit  
6 contributions by the 20th day of the month following the month in which  
7 the contributions were earned as he agreed to do under the Building  
8 Trades Agreement and the related Trust Agreements. In addition, under  
9 the Building Trade Agreement and Trust Agreements, Defendant agreed, if  
10 he was delinquent and/or if legal action was necessary to collect fringe  
11 benefit contributions, to pay 1) the specified liquidated damages, 2) for  
12 any necessary payroll examination of his books and records, and 3) the  
13 opposing party's reasonable attorney's fees and costs. Accordingly,  
14 because Defendant failed to pay \$32,310.00 in fringe benefit  
15 contributions, the Court awards Plaintiff \$6,165.85 in liquidated damages  
16 and interest. In addition, the Court finds the requested attorney hourly  
17 rates and hours expended in this matter reasonable, and therefore awards  
18 the requested attorneys fees and costs. Further, the cost of the payroll  
19 examination is reasonable and results from Defendant's failure to pay  
20 fringe benefit contributions.

21 Accordingly, **IT IS HEREBY ORDERED:**

22 1. Plaintiffs' Motion for Default Judgment, ECF No. [30](#), is  
23 **GRANTED.**

24 2. **Judgment** is to be entered against Defendant as follows:

- 25 • \$32,310.00 in unpaid fringe benefit contributions;
- 26 • \$6,165.85 in liquidated damages;

- \$1,141.23 in interest, with interest continuing to accrue on the delinquent pension contributions owed to a) the National Pension Fund (\$1,705.97) at the rate of 12 percent per annum from April 9, 2011, through this judgment's entry, and b) the State Pension Fund (\$2,837.90) at the rate of 12 percent per annum from April 9, 2011, through this judgment's entry;
- \$4,940.41 for the payroll examination fees and costs; and
- \$7,107.50 in attorneys fees and \$642.20 in court costs.

3. For three years following this Order's entry, Plaintiff retains the right to conduct a future payroll examination of Defendant's books and records (for a period other than May 12, 2008, through February 28, 2011) to ensure that all required fringe benefit contributions have been paid.

4. The Court retains jurisdiction over this matter for four years.

5. This file shall be **CLOSED**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and to provide copies to counsel and Defendant (6307 West 16th Ave., Kennewick, WA 99338).

**DATED** this 17th day of January 2012.

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s/Edward F. Shea  
EDWARD F. SHEA  
United States District Judge

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